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Halliwell-Phillipps. Memoranda, intended for the use of amateurs. 1884

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Harvard College Library

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BRIGHT LEGACY

One half the income from this Legacy, which was received in 1880 under the will of

JONATHAN BROWN BRIGHT

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MEMORANDA.

MEMORANDA,

INTENDED

FOR THE USE OF AMATEURS,

Who are sufficiently interested in the pursuit,

To make Searches in the Public Record Office

On the chance of discovering new facts respecting Shakespeare and the Contemporary Stage.

By James Orchard Halliwell-Phillipps.

"One inch of delay more is a South-sea of discovery."—*As You Like It.*

C
X

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HARVARD COLLEGE
MAY 27 1892
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PREFACE.

Which sport is it that elicits the keenest and most genuine enthusiasm,—fox-hunting or record-hunting? Undoubtedly the latter.

For what devotee to field amusements, after galloping day after day for three months in search of a possible fox that does not turn up, would commence another session of the same description with undiminished alacrity? Where is the determined sportsman to be found who would continue to traverse downs and morass if he only winged a miserable sparrow once in a month? Would he persevere for a year or two on the chance of eventually bringing down a woodcock?

Not a bit of it! The record-hunter is your only true sportsman. Undeterred by hundreds of obstacles—carrying any height of fence—disheartened by no number of failures—merrily henting the style-a—and, above all, when he once does catch a sight of his bird, never missing it!

The only game followed by the Hollingbury Copse Hunt are notices of Shakespeare and his contemporary stage. If there is a reasonable

probability that they are to be started in a wood of moderate extent, every foot of it is carefully beaten. But there is an immense forest—belonging to the nation and called the Record Office—in which the game may be so darkly hidden as to be discovered only by the merest accident or by the incessant trials of the experienced hunter.

That there are undiscovered notices of Shakespeare amidst the millions of papers in our national Record Office may be fairly accepted as certain. Some, unfortunately, may remain concealed for many generations, but others, it is hoped, may be unearthed by inductive methods of research, that is to say, by carefully bearing in mind the names of his friends and professional associates, his dealings with property, &c., and in that way to trace out accounts of legal proceedings in which it is likely that he was interested.

It is scarcely necessary to observe that he might have been involved in one way or other in any of the theatrical suits of his time. Then there was continual litigation going on respecting the Stratford tithes, interests in which he purchased in 1605. By diligent inquiries in these directions, and by working from clues, there may some day turn up one of the poet's

depositions, and there we should probably find him speaking in his own person in his own ordinary language.

Other clues and important notices might also be found by a systematic examination of distinct classes of records, such as the Coram Rege and Controlment Rolls, &c.

If the Government would only be kind enough to transplant the Record Office to the Brighton Downs, I might, even at my age, do much in these lines; but as it is hardly likely that they will be so accommodating, and my strength does not enable me to bear the metropolitan atmosphere for long at a time, being also unwilling to incur expense for searches, I have ventured to issue a few copies of these suggestions in the hope of others, who are under more favourable conditions, being induced to pursue the investigations.

It is not likely that they would be wholly unsuccessful, and it is a feather in any one's cap to be the discoverer of a new fact about Shakespeare. There is a credit given to him similar to that which is awarded to the discoverer of a new planet, the chief difference being that the result in the former case is so infinitely more useful.

More than one of my correspondents are

under the delusion that I have already got everything of theatrical value that is to be found in the Record Office. That is beyond the power of any individual, however persistent he may be in his work. It would take a hundred people more than a hundred years to go through the records exhaustively. That I am not exaggerating may be gathered from the fact that the mere list of names of plaintiffs and defendants (nothing more) in one court only, and for the single reign of Elizabeth, occupies four closely-written folio volumes, and the records of several of the other courts are quite as extensive.

I am of course well acquainted with the theatrical patents, with the privy-seals, and with the notices to be found in obvious sources, such as those in the State Papers, the last being rendered accessible to every one by the admirable and elaborate calendars now in course of publication. But although I have worked much on the national records in my time, chiefly before the amalgamated transfers were made, with one exception, — the accounts of the Treasurer of the Chamber from 1579 to 1627, —there is no uncalendared series that I have exhaustively read.

The Indices Finium deserve a stricter in-

vestigation than has yet been made. It was only a few weeks ago that, by their aid, I discovered two Warwickshire feet of 18 Henry VIII., which afford a strong presumptive evidence that Robert Arden, Shakespeare's maternal grandfather, was the son of the Arden who received the manor of Yoxhall, co. Stafford, from Henry the Seventh in the year 1507. This is an important point in estimating the truth of the representations made by the poet or his family to the heralds in 1596 and 1599, the name of the county being inadvertently mis-stated in the latter document.

In both of these fines Robert Arden is termed *armiger*, and in one foot he is mentioned as having purchased an interest in the manor of *Warde Barnes juxta Wilmecote.* This manor is not alluded to by Dugdale, but perhaps some one who is topographically acquainted with Wilmcote would do me the great favour of pointing out the locality. If it was at Shakespeare's Wilmecote—and from the history of the one near Tamworth it is not probable that the latter is intended—it would perhaps include the estate of Asbies.

It would be desirable for an exhaustive search to be made for the papers of the Herbert suits, 1660, mentioned in the following pages.

Persons acquainted with the old stage were examined as witnesses, and a curious theatrical deposition of one of them, who is described as a "very old man," is recorded in MS. Harl. 4636. Amongst the exhibits would probably be found the invaluable office-books of Tylney and Buck.

The exhibits belonging to the various courts would almost certainly be of the greatest value in numerous literary and antiquarian enquiries. They probably consist of deeds, cartularies, letters, account-books, diaries, and, in short, of every conceivable written or printed evidence that could be produced in litigation. Amidst a lot found thirty years ago, oddly stowed away under seats in the Rolls Chapel, were Shakespearean deeds that had been produced in a lawsuit in 1648. They referred to New Place, and were printed by the late Mr. Howard Staunton.

When making an application on the subject years ago I was told that there was a difficulty in dealing with this class of records owing to their being private property. Theoretically no doubt they are, but in regard to the large majority of the ancient ones, say those of two centuries of age and upwards, no claimant could now possibly be found, and they therefore equitably belong to the State. It may also be

doubted if, after this lapse of time, there is a legal power of restoration to private owners. That, at all events, was, to the best of my recollection, the impression on Lord Romilly's mind when I made an urgent appeal for the Shakespeare deeds to be given up to the Corporation of Stratford-on-Avon, who now own the property to which they relate.

The mere possibility of the original books of Tylney and Buck being amongst these exhibits is enough to put all true Shakespeareans into a flutter; but they must learn to "teach their trial patience." There is a necessary delay arising from the physical impossibility of the Record Office officials dealing, excepting by degrees, with the hundreds of tons of unsorted and imperfectly described records in their custody. So little is this generally understood that last year I positively had a note of complaint against them from an accomplished scholar because they had not been able to find a document a short extract from which I had quoted in one of my works, my own reference to it being either lost or mislaid and one name being the only clue. It would have been about as reasonable if he had expected them to have searched for a pin's-head known to have been dropped somewhere amidst the Goodwin Sands.

If the following suggestions prove to be acceptable, I shall gladly reply as well as I can to any questions that may thence arise; but it must be specially understood that this little pamphlet has not been compiled with the view of adding to my own collections. Let each individual have the credit of his own discoveries, and, moreover, no good progress is ever made in such matters unless each one pursues an independent inquiry with a view to his own publication of results and his own inferences from them. Personally I have but dragged a few corners of the great river. There are plenty of fish left.

J. O. HALLIWELL-PHILLIPPS.

Hollingbury Copse, Brighton,
July, 1884.

MEMORANDA.

1. Burbage, Robinson and Hemings v. Sir Mathew Brend. This suit was in progress in the Court of Requests in February, 9 Charles I., 1634. Its papers would be almost certain to throw light upon the history of the Globe Theatre, and would most probably include notices of Shakespeare.

2. The late Mr. Peter Cunningham, in the Shakespeare Society Papers, iv. 90, mentions a suit of Trevill v. Woodford in the Court of Requests, 18 Charles I., as containing interesting matter relating to the Whitefriars Theatre.

3. Nicholas Lane brought an action for debt against John Shakespeare, the poet's father, in the Stratford-on-Avon Court in 1586. The cause was removed by certiorari, I suppose, to the Queen's Bench, 29 Eliz., 1587. The Coram Rege rolls for Hilary and Easter, 29 Eliz., should be searched. Would anything be likely to be found in the bundles of Statutes Staple? See Fourth Rep., App. ii. 110.

4. Near the end of the Coram Rege roll of Easter, 42 Elizabeth, 1600, is a long indenture respecting William More's property in the

Blackfriars, which may have notices of the theatre or the Burbages. Either would be interesting.

5. The Blackfriars Theatre was "leased out," probably by the Burbages, to one Henry Evans about the year 1600. The discovery of the lease would be of great interest. I have searched the Close Rolls without success.

6. Documents respecting Morgan Pope, Burnaby and Jacob Meade, temp. Eliz. et Jac. I., might have notices of the Bear Garden, Alleyn and possibly of the Globe Theatre.

7. A bill in Chancery, Thomas Mayhowe v. Agnes Arden, 23 Eliz., is mentioned in the Stratford-on-Avon records. The poet's family were mixed up in this suit. There was another suit, 24 Eliz., Court not named, Thomas Mayhowe v. Robert Webbe. In this latter suit John Shakespeare, the poet's father, was examined by a Special Commission.

8. Lucas v. Collins, the Court unknown but probably in Chancery. This was a Stratford-on-Avon suit in progress in London in 1616. Thomas Greene, the poet's cousin, was mixed up with it.

9. The Corporation of Stratford-on-Avon v. Sir E. Conway and Francis Cawdray, 10 James I., 1612. Court unknown. A tithe suit

the records of which may have notices of Shakespeare's interests. Depositions were filed.

10. William Borne v. Thomas Pope, 1598. Theatrical suit mentioned by Henslowe, p. 109. Court unknown.

11. William Borne, Thomas Dowton and Gabriel Spenser v. Martin Slaughter, 1598-1599. Theatrical suit mentioned by Henslowe, p. 111. Court unknown.

12. The Corporation of Stratford-on-Avon v. William Shaw and others, a Chancery suit, 1626, respecting the tithes, some of which were owned by Shakespeare.

13. The following notes respecting a Chancery suit, 1610-1612, in which Shakespeare was one of the plaintiffs, are taken from the Stratford MSS.—

(*a*) Richard Lane et al. quer., et Dominus Carewe et al. deff. in Canc. bill. To the right Honorable Thomas Lord Ellesmere, Lord Chauncellour of England.

(*b*) Richard Lane, Thomas Greene, William Shakespeare v. Sir Edward Greville, Sir Edward Conway, Henry Barker.

(*c*) Lane, Greene, Shakespeare, v. William Combe.

(*d*) Tothill. Jur. 13 Feb., 1610. Wat. Carew. The Answer of William Combe, one of the defendants to the Bill of Complaint of Richard Lane and others, complainants.

14. Sir Edward Grevyle v. Smythe, Sadler, Baker, &c., i.e., v. Corporation of Stratford-on-Avon, an action of trespass, 22 January, 43 Eliz. John Shakespeare, the poet's father, was a witness, and the suit was going on in London in November, 1601. Name of Court not mentioned.

15. There was a suit about Shakespeare's coat-armour heard before Lord Howard in May, 1602. Charges against Garter and Clarencieux, Dethick and Camden.

16. John Sadler, bailiff, and the Burgesses of Stratford-on-Avon v. Thomas Dixon alias Waterman, in Chancery either in 1570 or 1599. Would most likely be illustrative of John Shakespeare's history.

17. The Herbert suits, 1660-1662. Several suits, the papers of which might throw most important light on the usages of the stage in Shakespeare's time, and probably on the literary and theatrical history of the poet himself.

(*a*) Two (Dram. Rec. p. 38) of the case brought by Sir Henry Herbert in

the Court of Common Pleas against Michael Mohun, William Wintershall, Robert Shaterell, William Cartwright, Nicholas Burt, Walter Clun, and Charles Hart, *all being members of Killigrew's company*, for acting plays without licence.

"In October, 1660, Sir Henry Herbert had brought an action on the case against Mr. Mohun and several others of Killigrew's company, which was tried in December, 1661, for representing plays without being licensed by him, and obtained a verdict against them, as appears from a paper which I shall insert in its proper place. Encouraged by his success in that suit, soon after D'Avenant's company opened their new theatre in Portugal Row, he brought a similar action (May 6, 1662,) against Mr. Betterton, of which I know not the event. In the declaration, now before me, it is stated that D'Avenant's company, between the 15th of November, 1660, and the 6th of May, 1662, produced ten new plays and 100 revived plays; but the latter number being the usual style of declarations at law, may have been inserted without a strict regard to the fact."—*Malone.*

(*b*) Sir Henry Herbert and Simon Thelwell v. Thomas Killigrew and

Sir William Davenant, a suit mentioned in the State Papers, 16 January, 1662.

(*c*) Sir Henry Herbert v. Sir William Davenant. The following notices are taken from Malone, ed. 1821, iii. 263-265,—

Sir Henry Herbert likewise brought two actions on the same ground against Sir William D'Avenant, in one of which he failed, and in the other was successful. To put an end to the contest, Sir William in June, 1662, besought the king to interfere in this petition,—

" Sheweth,

That your petitioner has bin molested by Sir Henry Harbert *with several prosecutions at law.*

That those prosecutions have not proceeded by your petitioners default of not paying the said Henry Harbert his pretended fees, (he never having sent for any to your petitioner,) but because your petitioner hath publiquely presented plaies; notwithstanding he is authoriz'd thereunto by pattent from your Majesties most royall Father, and by several warrants under your Majesties royal hand and signet.

That your petitioner (to prevent being outlaw'd) has bin inforc'd to answer him *in two tryals at law,* in *one of which, at Westminster,*

your petitioner hath had a verdict against him, where it was declar'd that he hath no jurisdiction over any plaiers, nor any right to demand fees of them. *In the other, (by a London jury,) the Master of Revels was allowed the correction of plaies, and fees for soe doing;* but not to give plaiers any licence or authoritie to play, it being prov'd that no plaiers were ever authoriz'd in London or Westminster to play by the commission of y^e^ Master of Revels, but by authoritie immediately from the Crown. Neither was the proportion of fees then determin'd, or made certaine; *because severall witnesses affirm'd that* variety of payments had bin made; sometimes of a noble, sometimes of twenty, and afterwards of forty shillings, *for correcting a new play;* and that it was the custome to pay nothing for supervising reviv'd plaies.

That without any authoritie given him by that last verdict, he sent the day after the tryall a prohibition under his hand and seale (directed to the plaiers in Little Lincolnes Inn Fields) to forbid them to act plaies any more.

Therefore your petitioner humbly praies that your Majesty will graciously please (*two verdicts having pass'd at common law contradicting each other*) to referr the case to the examination of such

honourable persons as may satisfy your Majesty of the just authoritie of the Master of Revells, that so his fees (if any be due to him) may be made certaine, to prevent extorsion; *and time prescribed how long he shall keep plaies in his hands, in pretence of correcting them*; and whether he can demand fees for reviv'd plaies; and lastly, how long plaies may be lay'd asyde ere he shall judge them to be reviv'd."

At the Court at Hampton Court, the 30th of June, 1663.—His Majesty, being graciously inclin'd to have a just and friendly agreement made betweene the petitioner and the said Sir Henry Harbert, is pleas'd to referr this petition to the right honorable the Lord High Chancellor of England, and the Lord Chamberlaine, who are to call before them, as well the petitioner, as the said Sir Henry Harbert, and upon hearing and examining their differences, are to make a faire and amicable accommodation between them, if it may be, or otherwise to certify his Majesty the true state of this business, together with their Lord.[ps] opinions.

EDWARD NICHOLAS.

We appoint Wednesday morning next before tenn of the clock to heare this businesse, of which Sir Henry Harbert and the other parties concern'd are to have notice, my Lord Chamberlaine having agreed to that hour.

July 7th, 1662. CLARENDONE.

(*d*) Sir Henry Herbert and Symon Thelwall v. Thomas Betterton, an action of the case. Declaration filed on May the 6th, 1662. Dram. Rec. p. 39. Examined at the Rolls, 13 November, 1668. The papers in this suit might prove to be of the highest interest, for Sir Henry Herbert, in his breviat of matters to be produced at the trial, refers to the office-books of Tylney and Buck, 1598 and 1611. These books were clearly then in existence, and as they are certainly not preserved with Sir Henry Herbert's own diary and his other MSS. now at Powis Castle, in all probability they are still in existence amongst the exhibits belonging to the Court of Common Pleas. It is scarcely necessary to say that those two

office-books would be of infinitely greater importance to the Shakespearian student than any documents that could be unearthed, saving of course even a single holograph page of one of the dramas.

18. Shakespeare v. Lambert, in Chancery, 1598. The bill, answer and replication, Mich. 40 et 41 Eliz., have been frequently printed. The depositions, if found, would no doubt be of high interest.

19. Alleyn v. Henslowe, in the Star Chamber, 1617, 1618. See Mr. G. F. Warner's Catalogue of the Dulwich MSS., pp. 167, 169. Most likely theatrically curious.

20. Court of Chancery.—A suit about the Theatre, Margaret Braynes, w° of John Braynes, v James Burbage, Richard Burbage and Cuthbert Burbage. Bill was filed before 4 Nov., 1590. The Burbages put in a demurrer shortly after this date. The defendants were examined upon interrogations at the plaintiff's suit before March 23rd, 1590-1. Suit still going on, July 20th, 1591. In May, 1596, the suit was still in progress, but the Plaintiff's name was different, viz., Robert Miles v. James and Cuthbert Burbage. Cause heard 28 May, 1596. *The question was referred by the Court to be tried at*

Common Law. Collier, in his Memoirs of Actors, pp. 7-11, prints none of the papers in the suit, but gives wholly uninteresting Chancery Notes or Orders of the following dates —4 November, 1590; 23 March, 1590-1; 24 April, 1591; 20 July, 1591; 28 May, 1596.

21. A suit respecting a projected theatre in the Blackfriars, 1615. Chancery B. and A., James I., a. i. No. 16., 1623. I have copies of the B. and A., and also of the Orders and Decrees, none of which are of much if any use, but depositions in the suit might be very curious.

22. In December, 1603, the Corporation of Stratford-on-Avon ordered a book or roll of the inhabitants of the town for a benevolence towards the City of Geneva. If such a book could be discovered, it would probably include the name of Shakespeare.

23. Shakespeare was a Groom of the Chamber to James I. Would any of the records, and what, beyond those of the Treasurer of the Chamber, notice him in that capacity?

24. Pasch. 29 Eliz. Johannes Shakespeare protulit breve domine regine de habeas corpus cum causa, Stratford MS. Further evidence and particulars of this would be very interesting.

25. The Globe Theatre is stated to have been rebuilt in 1613-4 at the "great charge" of James I. and others. If so, would there not be some record of the King's donation?

26. Sir Christopher Blunt, Sir Charles Danvers, Sir John Davies, Sir Gilly Meyrick and Henry Cuffe were arraigned before a commission sitting in the Court of Queen's Bench, 5 March, 1601. Particulars might furnish evidence respecting the plays performed by Shakespeare's company just previously to the Essex rebellion.

27. Toppin v. Henslowe. Probably a theatrical suit, c. 1597. Court unknown.

28. Documents respecting Phillip Rosseter, temp. Jac. I., might throw light on the Blackfriars Theatre.

29. *Accounts of the Treasurer of the Chamber.*—It may save trouble if I state that I have gone carefully over these, from 1579 to 1627, for theatrical and dramatic notices, and have printed the most important of them.

30. *The Burbages.* I have gone through the indexes to the Close Rolls for this name, and printed everything of theatrical interest.

Documents of the time of Elizabeth and James the First referring to the following names are likely to prove of Shakespearean interest. Those of the original actors in Shakespeare's plays are given in Italics.

Alleyn, Edward
Armin, Robert
Barkstead, William
Beeston, Christopher
Beeston, Robert
Beeston, William
Benfield, Robert
Bird, William
Borne, William
Bryan, George
Buck, Sir George
Burbage, Richard
Burbage, James
Clopton.
Collins, Francis
Combe.
Condell, Henry
Cook, Alexander
Cook alias Saunder
Cowley, Richard
Crosse, Samuel
Cundall. See *Condell*
Dawes, Robert
Downton, Thomas
Droeshout, Martin
Duke, John
Dutton.
Ecclestone, William
Field, Nathaniel
Gilburne, Samuel
Gough, Robert
Greene, Thomas
Grevile, Curtis
Gue.
Hart.
Harvey.
Hathaway.
Hemminges, John
Jeffes, Anthony
Jeffes, Humphrey
Jonson, Gerard
Jonson, Ben.
Juby.
Kemp, William
Knell.
Lowin, John
Lucy.
Massey, Charles

Moore, Joseph
Ostler, William
Pallant, R.
Perkins, Richard
Phillips, Augustine
Pigg, John
Pollard, Thomas
Pope, Thomas
Quiney.
Rice, John
Robinson, John
Rossil.
Rossiter, Phillip
Rowley, Samuel
Rowley, Thomas
Rowley, William
Sadler, Hamlet
Saunder alias Cook
Scarlet, Richard
Shank, John
Shawe, Julius
Shawe, Robert
Singer, Gabriel
Singer, John
Sinklow.
Slater or Slaughter, Martin
Sly, William
Spenser, Gabriel
Swanston, Eyllardt
Tarlton, Richard
Tawyer.
Taylor, Joseph
Tooley, Nicholas
Towne, John
Tucker, Leonard
Underwood, John
Whatcot, Robert
Wilkinson, Nicholas
Wilson, John
Wilson, Robert
Worth, Ellis

It is difficult to bear the names of these actors in mind. Some years ago my daughter Ellen, then a little girl of thirteen, took compassion on me and drew up the following memorial verses on the names of the most important of them, lines that I have found nearly as indispensable as those of the Thirty Days Hath September.—

The actors—we must now begin
The letter A—the first is *Armin;*

Then on to B, the second stage,
Benfield, *Bryan*, and also *Burbage*.
Then the C's we next must tell,
Cook, *Cowley*, *Crosse*, and *Condell*.
E has only one alone,
And that's the actor *Ecclestone*.
E to the letter F doth yield,
There is but one and that is *Field*.
Of the letter G there are enough,
Gabriel, *Gilburne*, and Mr. *Gough*.
Then the letter H's let us see, —
They are *Harvey*, *Hemminges*, *Humphrey*.
There are two K's for us to tell,
And their names are *Kemp* and *Knell*.
There is a solitary letter L,
That is *Lowin*, who acted well.
Now to the end we are getting near
The letter O, and that is *Ostler;*
More than one P let us hope ;
There are two,—*Phillips* and *Pope*.
The letter R there is still,
Rice, *Robinson*, and *Rossil*.
The letter S is not alone,
Shank, *Sinklow*, *Sly*, and *Swanston*.
We to the letter T have come truly,—
Tarlton, *Tawyer*, *Taylor*, *Tooley*.
Now I'm glad to say we've done,
With actors *Underwood* and *Wilson*.

The following list of some of the records that have been already printed may be found useful for reference,—

1. The Revels' Accounts, 14 to 30 Eliz.
2. The Revels' Accounts for the season of 1604-1605.
3. The Revels' Accounts for the season of 1611-1612.
4. The Players' Licenses, 1574, 1603, &c.
5. Theatrical Petitions, 1635, Lord Chamb. MS
6. All the Shakespeare documents amongst the State Papers.
7. Bentley v. Clopton, a B. and A. respecting a lease of New Place in the year 1545.
8. Shakespeare v. Lambert, B. in the Coram Rege Rolls, Mich. 31-32 Eliz.
9. Shakespeare and Hall, 17 Eliz., a fine.
10. Lambert and Shakespeare, Pasch. 21 Eliz., a fine.
11. Webbe and Shakespeare, Hil. 21 Eliz., a fine.
12. Webbe and Shakespeare, Pasch. 22 Eliz., a fine.
13. Shakespeare and Underhill, Pasch. 39 Eliz., a fine.
14. Shakespeare and Underhill, Mich. 44-45 Eliz., a fine.
15. Shakespeare and Combe, Trin. 8 Jac. I., a fine.
16. Shakespeare v. Lambert, 1598. See No. 18.
17. Exchequer Survey of Lord Warwick's estates, 1590.

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